

**BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION**

In the Matter of the Suspension	)	
	)	
of the Teaching Certificate of	)	<b>ORDER OF SUSPENSION</b>
	)	
Mia U. Loser	)	<b>(BREACH OF CONTRACT)</b>
	)	
Certificate # 210191	)	

**SUMMARY OF THE CASE**

The South Carolina State Board of Education (State Board) considered this matter on February 13, 2008. On October 1, 2007, the South Carolina Department of Education (Department) sent Mia U. Loser notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Loser received the notice on October 23, 2007, as evidenced by a postal receipt bearing her signature. On October 23, 2007, Ms. Loser sent written notice to the Department requesting a hearing in this matter. On November 9, 2007, the Department sent notice to Ms. Loser and the Fairfield County School District (District) that the hearing was scheduled in this matter. The hearing was held on January 9, 2008, and John J. Fantry, Jr., Esquire served as the Hearing Officer. Following the hearing, Mr. Fantry prepared a Hearing Officer's Report that was presented to the State Board. After hearing the information presented by Mr. Fantry, the State Board voted to suspend Ms. Loser's educator certificate for a period of six months, commencing December 5, 2007 and ending June 4, 2008.

**FINDINGS OF FACT**

This case concerns a formal complaint by the District seeking the suspension of the educator certificate of Mia U. Loser. The State Board of

Education has jurisdiction of this matter, pursuant to S.C. Code Ann. § 59-25-150 (2004) and S.C. Code Ann. § 59-25-530 (2004).

Ms. Loser holds a South Carolina educator certificate and has over six years of teaching experience. On April 6, 2006, Ms. Loser signed a continuing contract with the District to serve as a Speech Therapist for the 2007-2008 school year. On June 21, 2007, Ms. Loser sent the District a written request for release from her contract. On June 25, 2007, the District notified Ms. Loser that her resignation would be accepted upon finding a suitable replacement. The District began good faith efforts to locate a replacement for Ms. Loser. On August 13, 2007, Ms. Loser did not report to work with the District. She had not accepted employment with another District. On September 18, 2007, the Board voted to seek suspension of Ms. Loser's educator certificate, based on the her Breach of Contract. On September 20, 2007, the District sent its formal complaint to the State Board. On October 15, 2007, the District employed a suitable replacement for Ms. Loser.

On October 1, 2007, the Department sent Ms. Loser notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Loser received the notice on October 23, 2007, as evidenced by a postal receipt bearing her signature. On October 23, 2007, Ms. Loser sent written notice to the Department requesting a hearing in this matter. On November 9, 2007, the Department sent notice to Ms. Loser and the District that the hearing was scheduled in this matter. The hearing was held on January 9, 2008, and John J. Fantry, Jr., Esquire served as the Hearing Officer. Following the hearing, Mr. Fantry prepared a Hearing Officer's Report that was presented to the State board pursuant to S.C. Code Ann. § 59-5-70(B) (2004). After considering the evidence presented by the District and Ms. Loser, the Hearing Officer recommended that the State Board suspend Ms. Loser's educator certificate for a period of six months, commencing December 5, 2007 and ending June 4, 2008.

### **CONCLUSIONS OF LAW**

The State Board may suspend the certificate of any person for unprofessional conduct. SC Code Ann. § 59-25-150 (2004) and S.C. Code Ann. § 59-25-530 (2004). Failing to comply with the provisions of a contract without the written consent of the local school board is deemed to be unprofessional conduct. Upon the formal complaint of the school board, substantiated by conclusive evidence, the State Board shall suspend or revoke the teacher's certificate, for a period not to exceed one calendar year. State education agencies in other states with reciprocal certification agreements shall be notified of the revocation of the certificate. SC Code Ann. § 59-25-530 (2004); 24 S.C. Code Regs. 43-58.4 (1976). The State Board finds that there is sufficient evidence supporting its conclusion that Ms. Loser breached her contract with the Fairfield County School District, warranting the suspension of her certificate for a period of six months, commencing on December 5, 2007 and ending on June 4, 2008. It is therefore ordered that Mia Loser's educator certificate is suspended for a period of six months, commencing December 5, 2007 through June 4, 2008.

**AND IT IS SO ORDERED.**

South Carolina State Board of Education

By: 

Al Simpson, Chair

Columbia, South Carolina  
February 13, 2008